

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
N/S Red Grove Road, 593' W of
the c/l of Bowleys Quarters Road * ZONING COMMISSIONER
(3719 Red Grove Road)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 90-558-A
Alpha J. Davis, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an open projection (carport) attached to the east side of a dwelling with a side yard setback of 9 inches in lieu of the required 12 feet, and a sum of the side yards of 9 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of August, 1990 that the Petition for Residential Variance to permit an open projection (carport) attached to the east side of a dwelling with a side yard setback of 9 inches in lieu of the required 12 feet, and a sum of the side yards of 9 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variance granted herein is limited to an open projection (carport) with three sides exposed. The carport shall not be enclosed.
- 3) The proposed improvements shall be developed in such a manner that all water runoff will be directed away from any adjoining properties.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 3, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Alpha J. Davis, Jr.
3719 Red Grove Road
Baltimore, Maryland 21220

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Red Grove Road, 593' W of the c/l of Bowleys Quarters Road
(3719 Red Grove Road)
15th Election District - 5th Councilmanic District
Alpha J. Davis, Jr., et ux - Petitioners
Case No. 90-558-A

Dear Mr. & Mrs. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

90-558-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

211.3 and 301.1 (1963 Regulations) To permit an open projection (car port) attached to the left side of a dwelling with a side setback of 9 inches in lieu of the required 12 ft. (9 ft. for an open projection) and a sum of side yards of 9 ft. in lieu of the required 20 ft. (17.25 ft. for an open projection).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

- To Construct a car port along the side of our House:
(1) to help protect our house from further water damage by helping to divert rain and melting snow away from the foundation wall (rear wall of house previously collapsed due to hydrostatic pressure).
- (2) to provide additional safety and security for persons using the side entrance to the house, which is used as the primary entrance to the house.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

Allen G. Windsor

(Type or Print Name)

Signature

P.O. Box 186, Edgewood, MD 21040

Address

673-4466

Attorney's telephone number

Legal Owner(s):

Alpha J. Davis, Jr.

(Type or Print Name)

Signature

Pamela E. Davis

(Type or Print Name)

Signature

3719 Red Grove Road

Address

Baltimore, MD 21220

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of July, 1990, that the subject matter of this petition be posted on the property on or before the 17th day of July, 1990.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HEARING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED.

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of July, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 17th day of July, 1990, at 10:00 o'clock, AM.

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2533
2751

Date 6/19/90

ADMIN. VARIANCE FILING 35.00
SIGN POSTING 25.00
TOTAL = 60.00

PETITIONER ALPHA J. DAVIS JR.
3719 RED GROVE RD.

\$60.00

B D 045*****60001 8194F
Please make checks payable to: Baltimore County

Cashier Validation

receipt

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2751
2533

PAID ON 6/19/90 AS PER
HAND-WRITTEN RECEIPT

6/19/90

	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
030 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: DAVIS, JR.

Please make checks payable to: Baltimore County

Cashier Validation

receipt

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 152A

Posted for: Variance

Petitioner: Alpha J. Davis, Jr.

Location of property: N/S Red Grove Rd., 593' W of Bowleys Quarters Rd.

3719 Red Grove Rd.

Location of Sign: Front Red Grove Rd., across 15' from road way

Property of Baltimore

Remarks:

Posted by: M. Haines

Number of Signs: 1

Date of return: 7/19/90

Date of Posting: 6/19/90

90-558-A

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 26, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Alpha J. Davis, Jr.
3719 Red Grove Road
Baltimore, Maryland 21220

Re: CASE NUMBER: 90-558-A
ITEM NUMBER: 448
LOCATION: 3719 Red Grove Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before July 11, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is July 26, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

Allen G. Windsor

Allen G. Windsor, Esq.

cc: Allen G. Windsor, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 10, 1990



Dennis F. Rasmussen
County Executive

Allen G. Windsor, Esquire
P.O. Box 186
Edgewood, MD 21040

RE: Item No. 448, Case No. 90-558-A
Petitioner: Alpha J. Davis, et ux
Petition for Residential Variance

Dear Mr. Windsor:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

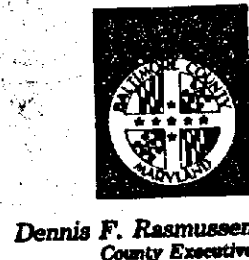
James E. Dyer
James E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Alpha J. Davis
3719 Red Grove Road
Baltimore, MD 21220

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



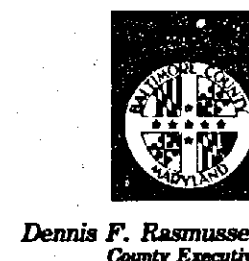
Your petition has been received and accepted for filing this
30th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Hines
Chairman,
Zoning Plans Advisory Committee

Petitioner: Alpha J. Davis, et ux
Petitioner's Attorney: Allen G. Windsor

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Heinicke
Chief



JULY 3, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALPHA J. DAVIS, JR.
Location: #3719 RED GROVE ROAD
Item No.: 448 Zoning Agenda: JULY 10, 1990
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Kelly 7-10-90* Noted and Approved *Captain J. F. Brady, Jr. 7-10-90*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: July 19, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: James F. Seal, Item No. 1
James R. Gernhart, Jr., Item No. 3
William A. Jenkins, et al, Item No. 5
Richard M. Post, Item No. 7
Robert Lee Rodowski, Item No. 8
Seven Courts Development Partnership, et al, Item No. 9
Roger Scott Weinberg, Item No. 10
George MacDonald, Item No. 14
Olwyn Diamond, Item No. 419
Philip Diamond, Item No. 420
Mark A. Harvey, Item No. 439
Michael John Reddy, Item No. 440
David Seymour Allen, Item No. 441
Robert Frank Bolling, Item No. 442
Nicholas Stamatacos/Angelina Stamatacos, Item No. 444
Stephen B. Leese, Sr., Item No. 445
Harry R. Kleinhenn, Item No. 447
Alpha J. Davis, Jr. Item No. 448
Judith L. Early, Item No. 455
David Shimony, Item No. 456
Kirk Riggs, Item No. 457
James Paskert, Item No. 458
James M. Burke, Item No. 459
John A. Meyers, Item No. 465

In reference to the above-mentioned cases, staff offers no
comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

FK/JL/cmm

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
JULY 3, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURHAM, PLANS REVIEW CHIEF, DEPARTMENT OF
PERMITS & LICENSES C.E.B.
SUBJECT: ZONING ITEM #: 448
PROPERTY OWNER: Alpha J. Davis, Jr. et ux
LOCATION: N/S Red Grove Rd, 991' W of Centerline Bowleys
Quarters Rd (#3719 Red Grove Road)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE
FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF
MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE
HANDICAPPED.
 - () PARKING LOCATION () RAMPS (degree slope)
 - () NUMBER PARKING SPACES () CURB CUTS
 - () BUILDING ACCESS () SIGNAGE
 - () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE
SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT
BALTIMORE COUNTY BUILDING CODE.
 - (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.
SECTION 111.1 OF ARTICLE 1. ~~CONSTRUCTION DRAWINGS MUST BE~~
~~REQUIRED.~~
 - () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING
USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND
ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE
TO COMPLY TO NEW USE REQUIREMENTS.
 - () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0
COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
 - (X) OTHER - Non-combustible materials or Fire Retardant treated wood shall be
used if construction of carport is within 3'-0" of interior property
line.
- PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,
TOWSON, MARYLAND 21204 - PHONE - 887-3900.

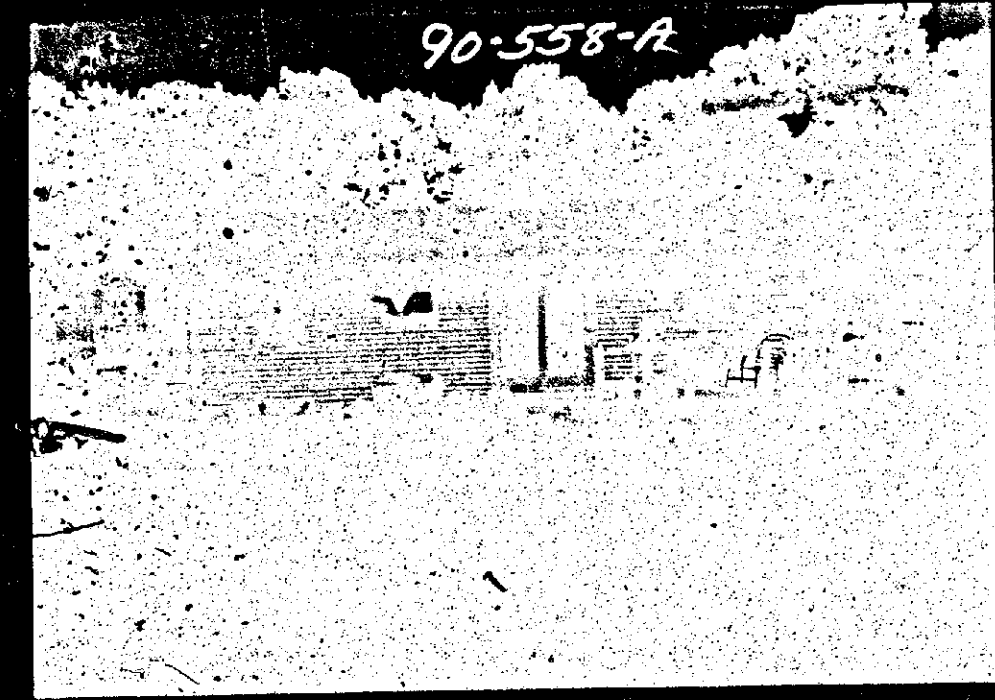
THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A
FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE
SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

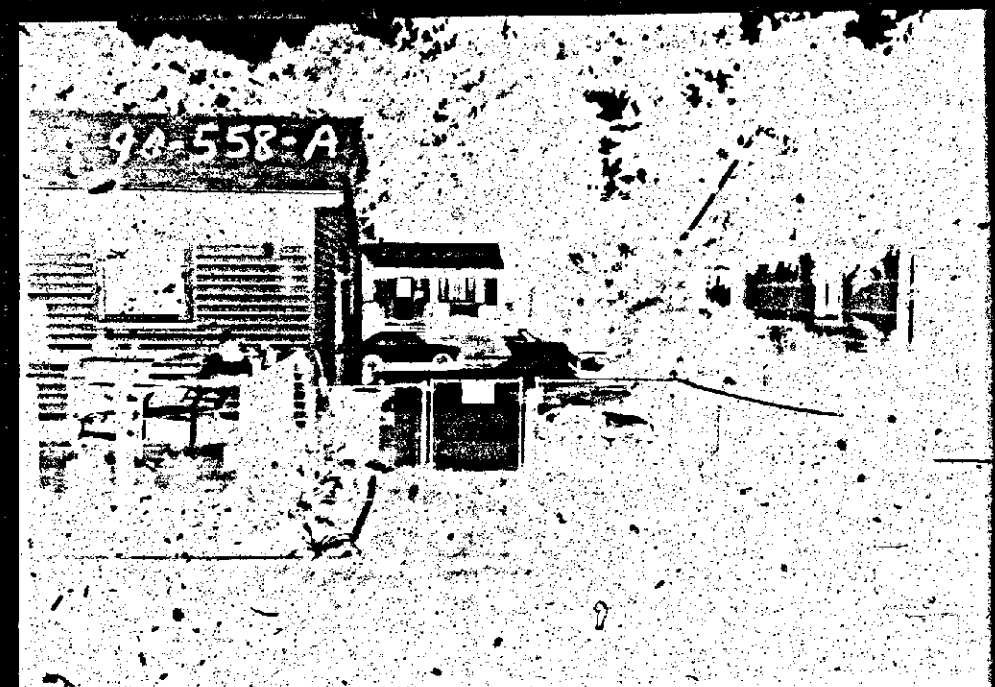
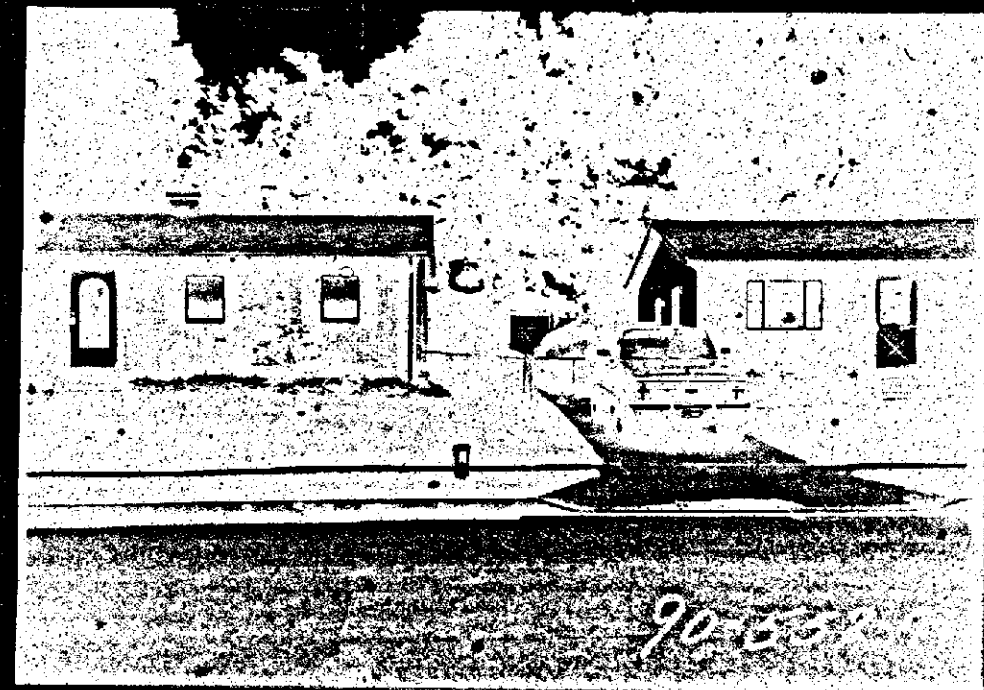
JUL 05 1990

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3719 RED GROVE ROAD
Subdivision name: CARROLLWOOD
plat book # 20, folios 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 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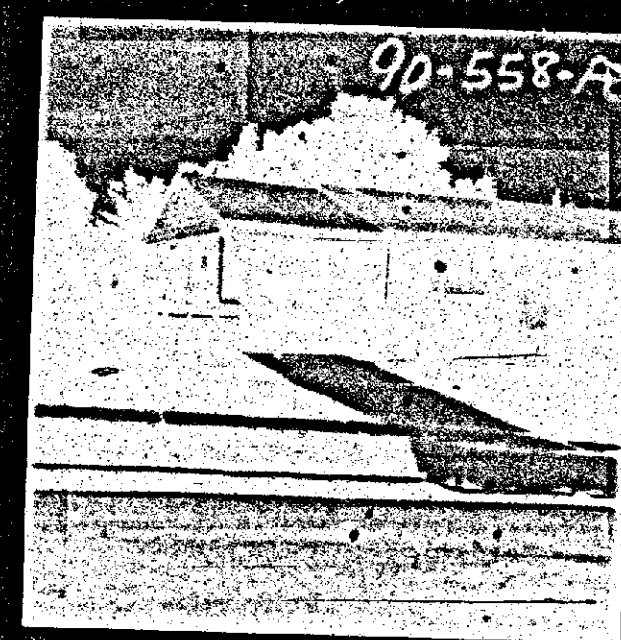
Petitioner's
Exhibit 4



NEARBY PROPERTIES
503 Crisfield Rd.



NEARBY PROPERTIES
503 Carrollwood Rd.



NEARBY DWLG.
405 Carrollwood Rd.

